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June 16, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

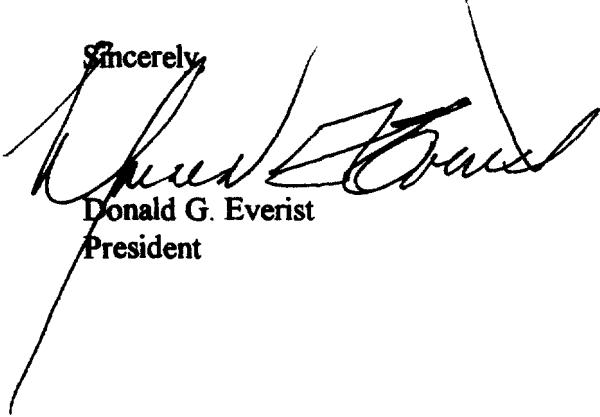
Re: Comments-MM Docket No. 98-43

Dear Ms. Salas:

Enclosed herewith are 12 copies (original plus 11) of the comments prepared on behalf of Cohen, Dippell and Everist, P.C. "In the Matter of 1998 Biennial Regulatory Review - Streamlining of Mass Media Applications, Rules and Processes" regarding MM Docket No. 98-43.

If there should be any questions, please do not hesitate to contact the undersigned.

Sincerely,


Donald G. Everist
President

DGE:cc
Encl.

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COHEN, DIPPELL AND EVERIST, P. C.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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OFFICE OF THE SECRETARY

In the Matter of

1998 Biennial Regulatory Review –
Streamlining of Mass Media Applications,
Rules, and Processes

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MM Docket No. 98-43

NOTICE OF PROPOSED RULE MAKING

Comments of Cohen, Dippell and Everist, P.C.

These comments on the Notice of Proposed Rule Making (NPRM) in the above captioned proceeding are submitted on behalf of Cohen, Dippell and Everist, P.C. Cohen, Dippell and Everist, P.C. ("CDE") and its predecessors have practiced and have represented the broadcast and communications industry on professional engineering matters for more than sixty years.

Cohen, Dippell and Everist, P.C. supports the proposed rule making and applauds the Federal Communications Commission's ("Commission") initiative to streamline broadcast authorization and licensing processes. Cohen, Dippell and Everist, P.C. offers these brief comments. Cohen, Dippell and Everist, P.C. strongly urges the Commission to continue requiring appropriate technical information to be filed with any request so that technical evaluation can be made if warranted by the Commission staff or by an outside party. It is believed that, in this manner, that the Commission will be able to attain its overall goals of expediting technically compliant facilities.

Issue One

Electronic Filing: Cohen, Dippell and Everist, P.C. believes that initially with reference to electronic filing that a period of time be allowed where electronic filing is accepted along with a hard copy filed with the Commission. With this dual filing mechanism, the Commission could be assured that it has received all the pertinent information and avoid delays in not receiving completed applications due to electronic filing problems. This implementation time could be extended if the Commission determines additional time is warranted.

COHEN, DIPPELL AND EVERIST, P. C.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
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This transition period could be over a six month time frame with longer periods being permitted for new facility requests or requests for facilities for a time critical filing. License applications could be implemented in a shorter time frame.¹

Issue Two

Requirement to Submit Contour Maps: CDE believes where the Commission needs information to satisfy itself for compliance that this require a contour map, and that any filing should include a properly prepared exhibit. If compliance is obvious, then it can be so stated.

Issue Three

Section 73.316 of the FCC Rules: CDE believes that information with reference to any submission, whether it be a non-directional or directional FM antenna, that the antenna manufacturer, model and the number of bays be specified. There are compelling engineering reasons that require this information. Notwithstanding the filing format, the Commission needs to be in a position to make independent assessments regarding radio frequency levels, intermodulation and the use of the FAA's airspace model². Similarly, the Commission should continue to require a vertical sketch of the proposed operation together with the other existing licensees shown. It is only in this manner that the Commission and other outside parties can have a complete understanding of what is requested; its physical and electrical relationships to other facilities and whether it complies with the FCC Commission's technical rules.

Issue Four

Enforcement: CDE believes that more efficient allocation of staff resources will occur when complete technical information with appropriate exhibits are filed with the application using the new FCC forms. This retains the ability for other interested parties to make independent technical assessments. Where these technical assessments differ, then these differences can be addressed to the Commission for its review and consideration. This will enlist the public to monitor applications, and to assist the Commission in authorizing technically viable facilities.

¹It is noted that electronic filing does not include licensing applications. CDE respectfully urges the Commission to consider electronic filing for license applications.

²These evaluations can pose "health and safety" issues.

Issue Five

FCC Forms: CDE urges the Commission to carefully review the proposed on forms "tech boxes" for completeness. For example, it is noted that the FM form's "tech box" for coordinates does not permit sufficient room for the coordinates data entry. The description below the underline at the bottom of the box (see Page 4, Question 9) is not intelligible.³ Furthermore, it is requested that all checkboxes be of uniform size easily filled-out in a computer-generated form.

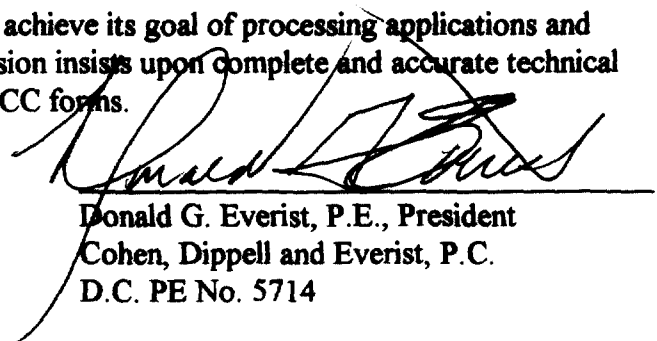
Also, with reference to Question 16 of FCC Form 301 for FM, CDE does not believe that the question for receiver induced interference is properly framed. We believe the Commission is making reference Receiver-Induced Third Order-Intermodulation Effect ("RITOIE").⁴ Also, CDE notes that information for compliance with regard to Section 73.318 of the FCC Rules is not apparent. This describes another effect-FM blanketing interference.

It is believed that there are other reasons for FM short spaced stations that have resulted, not described by Section 73.213(a), (b) and (c). How are those situations to be handled?

CDE recommends that the person signing the technical portion of the form "certify" that he (she) is familiar with the applicable FCC Rules.

Summary

CDE believes that the Commission can achieve its goal of processing applications and request for changes of facilities, if the Commission insists upon complete and accurate technical information to be filed in the Tech Box of its FCC forms.



Donald G. Everist, P.E., President
Cohen, Dippell and Everist, P.C.
D.C. PE No. 5714

June 16, 1998

Date

³In the non-technical portion of FCC Form 301, there is only one set of Yes or No boxes, but the question has subparts A through E.

⁴See Memorandum, Opinion and Order, 6 FCC Rcd No. 2, FCC 91-3, Pages 225 through 229 regarding "Application of WKLX, Inc., No. BLH-880506KB, for License to Cover Construction Permit for WKLX(FM), Rochester, New York"